

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF SOUTH DAKOTA**  
**CENTRAL DIVISION**

<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>TRUDE CLOWN,</b>  <b>Defendant.</b>	<b>3:22-CR-30076-RAL</b>  <b>REPORT AND RECOMMENDATIONS</b> <b>ON DEFENDANT'S CHANGE OF PLEA</b>
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The above-captioned matter came on before the Court for a change of plea hearing on Wednesday, May 31, 2023. Defendant, Trude Clown, appeared in person and by her counsel, Derek Friese , while Plaintiff, United States of America ("Government") appeared through Jay Miller, an Assistant United States Attorney.

Defendant consented in open court to the change of plea before the Court and her consent was knowingly and voluntarily made. The Government likewise consented to the Court taking Defendant's plea. Further, the parties waived their right to object to the report and recommendation.

Defendant has filed a petition to plead guilty wherein she intends to plead guilty to Count 1 as contained in the Indictment . Defendant is charged in Count 1 of the Indictment with Larceny in violation of 18 U.S.C. §§ 1153 and 661. At the hearing, Defendant was advised of the nature of the charge to which she would plead guilty and the maximum penalty applicable, specifically: 5 years custody; 250,000 fine, or both; 3

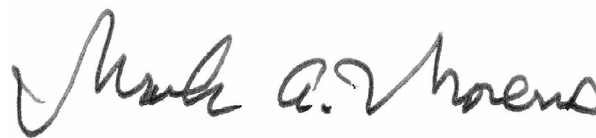
years supervised release; 2 additional years imprisonment if supervised release is revoked on any such revocation; \$100 assessment; and restitution.

Upon questioning Defendant personally in open court, it is the finding of the Court that Defendant is fully competent and capable of entering an informed plea, that she is aware of the nature of the charged offense and the consequences of the plea, and that her plea of guilty to the offense contained in Count 1 of the Indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. It is, therefore, the Court's recommendation that the guilty plea to Count 1 of the Indictment be accepted and that Defendant be adjudged guilty of that offense.

The Court having found, based on the findings made on the record, that exceptional reasons exist to justify Defendant's continued release and orders that Defendant shall remain released as previously ordered pending acceptance of the plea by the District Court. Thereafter, the Court recommends that Defendant be allowed to remain released pending sentencing.

DATED this 31st day of May, 2023.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "Mark A. Moreno", written over a horizontal line.

**MARK A. MORENO**  
**UNITED STATES MAGISTRATE JUDGE**